

Article - State Government

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§6–106.

(a) Except as otherwise provided in this section, the Attorney General has general charge of the legal business of the State.

(b) Unless a law expressly provides for a general counsel as the legal adviser and representative of the officer or unit, the Attorney General is the legal adviser of and shall represent and otherwise perform all of the legal work for each officer and unit of the State government.

(c) Notwithstanding any other section of law, an officer or unit of the State government may not employ or be represented by a legal adviser or counsel other than the Attorney General or a designee of the Attorney General, except that:

(1) (i) an officer or unit of the State government may employ or be represented by a legal adviser or counsel other than the Attorney General or the Attorney General's designee with prior approval of the Attorney General; and

(ii) the approval may be provided under § 6–105(b) or (c) of this subtitle, § 13–107 of the State Finance and Procurement Article, or other authority specified by the Attorney General;

(2) a State institution may employ counsel to represent the institution in a habeas corpus proceeding;

(3) a unit of the State government may employ counsel if:

(i) an investigation by an investigating committee of the General Assembly affects the unit;

(ii) the Attorney General represents both the investigating committee and the unit;

(iii) the Attorney General gives the Board of Public Works and the unit written notice that representation by the Attorney General involves or reasonably may involve a conflict of interest; and

(iv) the Board of Public Works approves the employment of counsel by the unit;

(4) the Office of the Public Defender may employ or be represented by a legal adviser or counsel other than the Attorney General or the Attorney General's designee; and

(5) unless otherwise agreed to by the Attorney General and the County Attorney for Montgomery County, the County Attorney for Montgomery County may represent the Montgomery County Department of Health and Human Services in a contested case under Title 10, Subtitle 2 of this article.

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